

No. 9/5/84-6Lab/5159.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of the Executive Engineer, Haryana State Electricity Board, Operation Division, Sonapat :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA (HARYANA)

Reference No. 278 of 1984

(Old No. 375 of 1981)

SHRI DHARAM PAL, WORKMAN AND THE MANAGEMENT OF THE EXECUTIVE
ENGINEER, HARYANA STATE ELECTRICITY BOARD, OPERATION DIVISION,
SONEPAT

Present :—

None for the workman.

Shri S. S. Sirohi for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred the dispute between Shri Dharam Pal, workman and the management of the Xen., H. S. E. B., Operation Division, Sonapat to Labour Court, Faridabad. The term of the references are as under :—

“Whether the termination of services of Shri Dharam Pal, workman was justified and in order? If not, to what relief is he entitled to?”

On creation of Labour Court at Ambala reference was received by transfer.

Shri Dharam Pal, workman has challenged the management had terminated his services in contravention of section 25(F) of the Industrial Disputes Act, 1947. He has prayed for reinstatement with continuity in service and benefits of full back wages etc.

Respondents have contested this issue controverting the allegations of the applicant workman.

Shri S. S. Sirohi appeared for respondent. None appeared for workman in spite of service. Shri M. S. Rathee, authorised representative of workman made default in appearance, so this reference is dismissed in default.

Dated, the 23rd May, 1985.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 1374, dated 30th May, 1985

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

The 1st July, 1985

No. 9/5/84-6Lab/5401.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s H.P. Industries, Delhi Road, Rewari :—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 172 of 1982

between

SHRI KAMAL SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S
H.P. INDUSTRIES, DELHI ROAD, REWARI

Present :—

None for the workman.

Shri M. P. Gupta for the respondent management.

AWARD

This industrial dispute between the workman Sh. Kamal Singh and the respondent-management of M/s. H.P. Industries Delhi Road, Rewari has been referred to the court by the Hon'ble Governor of Haryana, — vide his order No. ID/GGN/42-82/27606, dated 18th June, 1982, under section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Kamal Singh, was justified and in order ?
If not, to what relief is he entitled ?

The workman was called many a times. None appeared for him. It is already 11.05 a. m. Hence the workman was proceeded *ex parte*. According to the claim statement, the workman was appointed on 30th October, 1980 as supervisor @ Rs 346.50. He was not allowed to work in the factory with effect from 26th July, 1981.

These averments have been denied by the management. It is contended that his services were never terminated illegally. The workman remained absent for more than 10 days and did not turn up on work. Hence his name was struck off from the rolls.

The claim was contested on the following issues:—

1. Whether the workman abandoned his job by remaining absent himself.
2. As per-reference ?

I have heard the representative of the management and gone through the entire evidence of both the parties. My findings on the issues are as follows:—

Issue Nos. 1 and 2—According to the statement of witness of the management, the workman did not turn up after 26th July, 1981. His name was struck off from the roll on 16th August, 1981. The contention of the workman has no force that he was not allowed to work and he has also written registered letter to the management but still he was not allowed to join duty. Even if this contention of the workman is accepted that his services were terminated on 26th July, 1981. His appointment letter Ex. M-1 shows that he was appointed on 29th October, 1981. He had not completed 240 days of service at the time of termination. Hence he did not swam in the harbour of section 25-F of the Industrial Disputes Act. His services could be terminated without complying with the provisions of section 25-F of the I.D. Act. His services were, therefore, legally and validly terminated. It has come in evidence that the respondent factory has been closed since 8th October, 1983. Even if his services are held to be wrongly terminated, the workman is not entitled to the relief of reinstatement.

In view of the above discussions I find that he was legally and validly terminated and he is not entitled to any relief.

Dated, the 23rd May, 1985.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endst No. 1747, dated 13th June, 1985.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/5463.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Rattan Chand-Harjas Rai, (Mouldings), Pvt. Ltd., Industrial Area, Faridabad:—

IN THE COURT SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 249 of 1984

between

SHRI RAJINDER PARSHAD, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S RATTAN CHAND-HARJAS RAI, ((MOULDINGS) PVT. LTD., INDUSTRIAL AREA, FARIDABAD.

Present:—

None for the workman.

Shri K. P. Aggarwal for the respondent-management.

AWARD

This industrial dispute between the workman Shri Rajinder Parshad and the respondent-management of M/s Rattan Chand, Harjas Rai (Mouldings) Pvt. Ltd., Industrial Area, Faridabad, has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/164-84/28390—95, dated the 6th August, 1984 under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Rajinder Parshad, workman was justified and in order ? If not, to what relief is he entitled ?

Present none for the workman. Called many a times. It is 11.20 a. m. The workman is proceeded *ex parte*. The evidence of the management is present which has been recorded. According to the demand notice, the workman was appointed on 9th December, 1983 and his services were illegally terminated on 14th May, 1984. The management raised objection that the dispute does not fall under Section 2-A of the Industrial Disputes Act and that the workman was appointed on probation for six months only and from the monthly evaluation it was found that the work of the claimant was not satisfactory. Hence his services were terminated on 13th May, 1984.

The reference was contested on the following issues :—

- (1) Whether the dispute does not fall within the purview of section 2-A of the Industrial Disputes Act;
- (2) Whether the workman was appointed for 6 months probation ? If so, to what effect ?
- (3) As per reference ?

All the issues are inter-connected. Hence all the issues are decided together. I have heard the representative of the management and evidence on record. My findings on the issues are as under :—

Issue No. 1 :—

It has not been shown that why the dispute does not fall under section 2-A of the Industrial Disputes Act. Hence this issue is decided against the management.

Issues Nos. 2 and 3 :—

The management has proved the application for appointment and appointment letter Ex. M-2. It is, therefore, proved that the work of the workman was not satisfactory. Hence he was terminated on 13th May, 1984. The appointment letter shows that he was appointed on probation from 24th December, 1983. The workman has not completed 240 days of service. He was not entitled to any benefits under Section 25-F of the Industrial Disputes Act. The services of the workman were terminated according to contract. Hence the services of the workman were terminated legally and the workman is not entitled to any relief.

The award is given accordingly.

Dated the 3rd June, 1985.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 1861, dated 19th June, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.